

REMARKS

Favorable reconsideration of this application is respectfully requested.

The specification is amended by the present response to delete the embedded hyperlink at page 1.

Claims 12, 14, and 16 are pending in this application. Claims 1-11, 13, and 15 are canceled by the present response without prejudice. Claims 12-14 and 16 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. patent 6,947,401 B2 to El-Malki et al. (herein "El-Malki"). That rejection is traversed by the present response as discussed next.

Independent claim 12 is amended by the present response to incorporate the limitations from original dependent claim 13. Claim 14 is now rewritten into independent form. Independent claim 16 is amended to recite similar features as in independent claim 12. Those features are believed to clearly distinguish over the applied art.

Independent claim 12 is directed to a transfer device, see as a non-limiting example MAP 10 in the present specification in Figures 1 and 2. According to the claims as written the transfer device MAP 10 (A) includes a communication unit configured to transmit/receive packets to/from a mobile terminal MN 20 via a connection management device arranged in a network and connecting to the mobile terminal MN 20, and to transfer the packets to a visited position of the mobile terminal MN 20.

Further, (B) a determination unit 17 determines whether a packet received by the communication unit is a packet from a mobile terminal MN 20 allowed to use packet transfer performed by the transfer device. A terminal information storage unit 17a stores terminal information unique to the mobile terminal allowed to use the packet transfer, and thereby the determination unit 17 determines whether the packet received by the communication unit is a packet from a mobile terminal allowed to use packet transfer performed by the transfer device based on whether information concerning the mobile terminal included in the packet received

by the communication unit coincides with the terminal information stored in the terminal information storage unit. That subject matter is also discussed in the present specification for example at page 19, line 3 *et seq.*

Further, (C) a transfer management unit is configured to manage transfer the packets to the visited position based on the determination result by the determination unit 17.

As noted above independent claim 12 now incorporates the limitations from previously pending dependent claim 13. The outstanding rejection to claim 13 noted El-Malki discloses the claimed “determination unit” at column 5, lines 26-47 and at column 10, lines 24-27, referring to the “network policy”. With respect to features of a terminal information storage unit and the determining unit “determining whether a packet received by the communication unit is a packet from a mobile terminal allowed to use packet transfer performed by the transfer device”, “based on whether information concerning the mobile terminal included in the packet received by the communication unit coincides with the terminal information stored in the terminal information storage unit”, the outstanding Office Action notes “see ‘routing table’ at column 10 lines 45-62”.¹

In reply to the above-noted grounds for rejection applicants respectfully submit the claims as written distinguish over the noted teachings in El-Malki.

El-Malki discloses a mobility anchor point, in a communication system including a plurality of access routers connected to a mobile node, which transmits packets to the mobile node via the access router. The above-described mobility anchor point includes the following technical features (A1), (B1-1), (B1-2), and (C1).

(A1) The mobility anchor point (MAP) transmits/receives packets via the access router (AR) connected to the mobile node (MN) (col. 4, line 61 to col. 5, line 47, and Fig. 3);

¹ Office Action of June 1, 2007, page 3, prenumbered paragraph 4.

(B1-1) The mobility anchor point (MAP) determines whether the local network policies allow the mobility anchor point (MAP) to accept the registration of the binding update (**binding update registration*) (col. 10, lines 21-62, and Fig. 9);

(B1-2) The mobility anchor point (MAP) determines whether or not to transfer the packets to the mobile node (MN) by using the care-of-address, based on whether or not the mobile node (MN) is registered with the mobility anchor point (MAP) (**packet transfer procedure*) (col. 11, lines 19-60 and Fig. 11); and

(C1) Transfer the packets to the mobile node (MN), based on the determination result of (B1-2) (col. 11, lines 19-60 and Fig. 11).

As described above, El-Malki discloses the technical feature of when the mobile terminal (MN) is registered with the transfer device (MAP), the transfer device (MAP) transfers the packets to the mobile terminal (MN) by using the care-of-address, and the transfer device (MAP) determines whether or not to accept the registration of the binding update *based on the local network policy*.

However, El-Malki fails to disclose the above-described technical features A) and B) of independent claims 12 and 14. Further, in claim 12 as now written, the transfer device (MAP) determines whether or not to provide the mobility service, based on A) the information included in the packets and the terminal information, or on B) the information included in the packets and the common data. El-Malki fails to disclose or suggest such further features.

Thereby, each of independent claims 12, 14, and 16 patentably define over El-Malki.

Moreover, each of independent claims 12 and 16 is further amended to further define over El-Malki. In that respect, applicants respectfully submit the grounds for the outstanding rejection is misconstruing the disclosure to the “routing table” in El-Malki, as such a “routing table” does not at all correspond to any operation in a determination unit that can determine:

whether a packet received by the communication unit is a packet from a mobile terminal allowed to use packet transfer performed by the transfer device based on whether information concerning the mobile terminal included in the packet received by the communication unit coincides with the terminal information storage unit.

The Office Action relies on El-Malki to disclose an operation in a determination unit at column 10, lines 24-27. That disclosure in El-Malki is directed to a Step 910 in Figure 9. At that point El-Malki discloses determining whether a mobility anchor point (MAP) is allowed to accept registration of a mobile node based on a binding update provided from the mobile node. However, the reference to the “routing table” at column 10, lines 45-62 in El-Malki is not at all related to that determination operation in Step 910. Instead El-Malki discloses being able to update a routing address based on a H flag, the H flag indicating whether a binding update is intended as a home registration.² That is, El-Malki discloses an operation in Step 930 of Figure 9 to determine whether a H flag is set, indicating whether a binding update is intended as a home registration. El-Malki further discloses that if the H flag is not set then a routing table can be updated in Step 940 in Figure 9.³

Thereby, the disclosure directed to the “routing table” in El-Malki is unrelated to any operation of a determination whether a packet received by a communication unit is a packet from a mobile terminal allowed to use packet transfer performed by the transfer device. In contrast to El-Malki, in the claims such a determination is made “based on whether information concerning the mobile terminal included in the packet received by the communication unit coincides with the terminal information stored in the terminal information storage unit”.

Thereby, El-Malki does not disclose or suggest the further features clarified in independent claim 12 of “a terminal information storage unit configured to store terminal

² See El-Malki at column 10, lines 39-44.

³ See also El-Malki at column 10, lines 48-53.

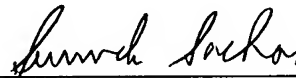
information unique to the mobile terminal allowed to use the packet transfer”, and further the determination unit “determining whether a packet received by the communication unit is a packet form a mobile terminal allowed to use packet transfer performed by the transfer device based on whether information concerning the mobile terminal included in the packet received by the communication unit coincides with the terminal information stored in the terminal information storage unit”, as specifically now recited in amended independent claim 12, and as similarly recited in amended independent claim 16.

Thereby, applicants respectfully submit each of amended independent claims 12, 14, and 16, and the claims dependent therefrom, distinguish over El-Malki.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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